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January 26, 2007

BY E-FILE

The Honorable Joseph J. Farnan Jr.
United States District Court
844 North King Street
Lock Box 27
Wilmington, DE 19801

Re: Butz v. Lawns Unlimited
C.A. No. 05-497-JJF

Dear Judge Farnan:

I write to Your Honor regarding the Pre-trial Hearing in the above-referenced matter, which is scheduled to be heard on February 8, 2007 at 1:00 p.m. Due to the unusual procedural posture in this case, there are currently several motions pending despite the fact that discovery closed in October and the dispositive motion deadline expired without submissions in November. Docket Entries numbered D.I. 36, 38, and 39 are fully briefed and ready for decision. Additionally, Defendants intend to file a Motion for Judgment on the Pleadings pursuant to Rule 12(c) early next week.

Defendants are currently preparing their pre-trial submissions, which are due to the Court by February 5, 2007. In light of the procedural nature of this case, however, Defendants have concerns about the feasibility of either party being able to fully prepare for the Conference before Your Honor, which is scheduled to be held in less than two weeks. At this time, Defendants have not been contacted by Plaintiff, who is representing herself in this matter *pro se*, to coordinate the pre-trial submissions.

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The Honorable Joseph J. Farnan Jr.

January 26, 2007

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At this time, Defendants would ask whether Your Honor would consider postponing the Pre-trial Hearing or if the Court prefers, to use that time to hear the pending motions due to the unusual procedural posture of the case.

Thank you for your consideration in this matter. As always, Counsel is available at the Court's convenience to provide any additional information.

Respectfully submitted,

/s/ Margaret M. DiBianca, Esq.

Margaret M. DiBianca

MMD:y

cc: Renee M. Butz (via E-Mail and U.S. Mail)

CERTIFICATE OF SERVICE

I, Margaret M. DiBianca, hereby certify that on January 26, 2007, I electronically filed a true and correct copy of my *letter to The Honorable Joseph J. Farnan Jr.* regarding the upcoming Pretrial Hearing with the Clerk of the Court using CM/ECF. I further certify that on January 26, 2007, I caused to be served a true and correct copy of the foregoing *letter to The Honorable Joseph J. Farnan Jr.* regarding the upcoming Pretrial Hearing via postage prepaid, First Class Certified U.S. Mail, and per Plaintiff's request, through electronic mail on the following non-registered participant:

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renee@scottbutz.com

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

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